

Capping Low-Skilled Worker Visas Central to Compromise

By Heidi Przybyla - Apr 2, 2013 10:40 AM CT

April 1 (Bloomberg) -- U.S. Representative Gregory Meeks, a New York Democrat, talks about federal budget negotiations and the prospects for a bipartisan accord on U.S. immigration policy. He speaks with Betty Liu on Bloomberg Television's "In the Loop." (Source: Bloomberg)

The U.S. Chamber of Commerce wanted to double that number. In that new "W-Visa Program" envisioned to start in April 2015, labor unions have secured caps on the number of foreign, low-skilled workers allowed in the U.S., particularly in a construction industry suffering high [unemployment](#).

The agreement marked the last major obstacle for a bipartisan group of eight senators seeking consensus on a rewrite of U.S. immigration laws, as they prepare to unveil legislation as soon as next week. Other issues remain, such as visas for farm workers, as part of a package that would offer a possible path to citizenship for many of the 11 million undocumented immigrants already in the U.S.

The lawmakers still face a sales job in the Senate, as well as reconciliation with the Republican-run House.

Perhaps more than the details of a still tentative agreement among union, business and Senate leaders, observers say, politics brought the two sides together.

'Prisoners' Dilemma'

"It was a prisoners' dilemma," said Chris Newman, legal director for the National Day Laborer Organizing Network in Los Angeles. "Both the chamber and organized labor stood to be accused of the crime of killing comprehensive immigration reform."

The chamber backed down on its demand for more visas as the AFL-CIO maintained that many immigrants, once given legal working status, may start competing with Americans for higher-paying jobs in construction, where the [unemployment rate](#) is 15.7 percent. Visas for construction work would be capped at 15,000 a year in the W-Visa plan, which labor says is not a true temporary worker program like the H2-B visa used by many seasonal workers because participants could petition for permanent status after one year.

The business lobby is concerned that the caps may be too low to meet the demands of a growing U.S. economy.

2012 Election

The compromise reached March 29 shows how quickly the immigration debate is advancing after an election in which the Hispanic vote was so crucial to President [Barack Obama](#)'s re-election that interest groups are as concerned as the political parties about standing in the way of a broad new immigration law.

Conflicts between business and labor over a temporary worker program helped scuttle a 2007 attempt at an immigration overhaul. Labor wanted any guest worker program to expire after five years.

Just as the chamber has relented on the numbers, the unions are engaging on an issue they have fought in the past.

“Unions are opening the door” to a program they’ve long opposed, said Roberto Suro, director of an immigration studies program at the University of Southern California. “Once you start doing temporary workers, where does it stop? If it’s successful, the market’s going to keep wanting more,” he said. “Business has had to accept limits.”

Groundskeeping, Forestry

Among businesses most reliant on lower-skilled guest workers under a current program known as H-2B visas are groundskeeping, forestry and landscaping, cleaners and housekeeping, amusement parks, animal caretakers and meat trimmers, according to the latest [U.S. Department of Labor report](#). Groundskeepers accounted for more than 35 percent of those visas in fiscal year 2011, when the government certified 74,473 guest workers under the program.

That included companies such as Bio Landscape and Maintenance Inc. in Houston, certified for 314 guest workers that year, and Superior Forestry Service of Tilly, [Arizona](#), certified for 708 under the H-2B program.

The 74,473 visas approved in 2011 marked a 14 percent decrease from 2010, according to the Congressional Research Service. As many as 250,343 had been approved in fiscal 2008 and 254,615 in fiscal 2007, according to a [CRS report](#).

Texas led the nation in H-2B visas certified in 2011, according to the Labor Department, with 12,344 certified. Louisiana and [Florida](#) ranked second and third.

These non-farm visas are separate from an agricultural program known as H-2A that remains to be negotiated. And they are apart from a program of [H-1B](#) visas for skilled workers, with technology firms seeking a near-doubling of those numbers.

Visa Numbers

Under the agreement negotiated by business and labor and accepted in a conference call with Senator Charles Schumer of New York, a Democratic member of the eight-senator group, the new low-skilled worker program would start with 20,000 visas in the first year, 35,000 in the second, 55,000 in the third and 75,000 in the fourth. In year five, the number would increase or shrink based on a formula taking into account the unemployment rate, the number of job openings and other factors.

A Bureau of Immigration and Labor Market Research would be created to monitor labor market and demographic information and identify labor shortages. It would help set an annual visa cap not to exceed 200,000.

“This is a structure we can move forward with,” Randy Johnson, senior vice president of labor, immigration and employee benefits at the Chamber, said in an e-mailed statement.

Wage System

The business lobby secured a basic wage system it had been seeking. U.S. companies will be able to expand the program to a number of industries that don’t typically require four-year bachelor’s degrees, including home health-care aides and industrial equipment repair technicians, he said.

“On the other hand, in search of a compromise, certain limitations on the program had to be adopted,” Johnson said.

The unions were concerned about any visa program that would give immigrants working illegally in the U.S. something that troubles labor: job mobility.

“We’re going to have labor mobilization for a community that has not had mobilization until now -- folks will want to pursue other occupations” displacing native workers in occupations with high jobless rates, said Sonia Ramirez, director of government affairs for the Building and Construction Trades Department of the AFL-CIO.

“Once people have their status regularized it will be easier to get a handle on where people are working and where there are jobs that need to be filled,” Ramirez said.

Tracking Patterns

From 2003 to 2011, there was just one year in which the estimated number of undocumented immigrants entering the U.S. was less than 200,000, according to the Mexican Migration Monitor, a project at USC that tracks illegal immigration patterns.

During 2006 and 2007, amid the height of the U.S. housing boom, the number was 665,755 and 682,561 respectively. In 2008 the number was 498,445 and has declined to 165,769 as the U.S. steps up its commitment to border security and deported a record number of illegal immigrants.

The visa program is viewed as a measured alternative. It is “not big enough to replace the illegal flow,” said Tamar Jacoby, president at ImmigrationWorks USA, a group of pro- immigration business coalitions.

“Construction is poised to be the engine bringing the nation to full economic recovery in the next two to three years and it’s not going to get enough workers,” Jacoby said.

Labor officials say the figures don’t provide the full picture.

“Even though it looks like the chamber has been talked down, the reality is that, overall, the number of guest workers arriving in this country increases,” said Saket Soni, executive director of the National Guest Worker Alliance.

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